

Val Vita Food Products, Inc., from Fullerton, Calif.; and charging that it was misbranded. It was labeled in part: (Cans) "Net Contents 7 $\frac{1}{4}$  Fld. Ozs. or .21438 Liters [or "7 $\frac{3}{4}$  Ozs. or 219.9 Grams"] Val Vita Brand Fancy Tomato Juice [or "Spanish Style Tomato Sauce"]."

The article was alleged to be misbranded (1) in that the statements, "Net Contents 7 $\frac{1}{4}$  Fld. Ozs. or .21438 Liters" and "Net Contents 7 $\frac{3}{4}$  Ozs. or 219.9 Grams \* \* \* Spanish Style Tomato Sauce," were false and misleading since the cans contained less than those amounts of tomato juice; and (2) in that it was in package form and did not bear an accurate statement of the quantity of the contents.

On October 6, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2937. Adulteration of tomato sauce and adulteration and misbranding of tomato paste. U. S. v. 81 Cases of Tomato Paste and 49 Cases of Tomato Sauce (and 6 other seizure actions against tomato paste). Default decrees of condemnation. Tomato sauce and portion of tomato paste ordered destroyed; remainder of tomato paste ordered distributed to local charitable agencies.** (F. D. C. Nos. 4248, 4635, 4636, 4696, 4697, 4721, 4778. Sample Nos. 22409-E, 22410-E, 22522-E, 22523-E, 22526-E, 22527-E, 22540-E, 22541-E.)

The tomato sauce and the tomato paste, with the exception of one lot, were contaminated with worm and insect fragments. Portions of the tomato paste also failed to conform to the definition and standard of identity for tomato paste in that they contained less than 25 percent of salt-free tomato solids.

Between April 7 and May 16, 1941, the United States attorneys for the Southern District of New York and the Districts of Rhode Island and Massachusetts filed libels against 49 cases, each containing 72 8-ounce cans, of tomato sauce at New York, N. Y., and the following quantities of tomato paste—131 cases each containing 100 6-ounce cans at New York, N. Y.; 598 cases each containing 100 6-ounce cans at Providence, R. I.; and 50 cases each containing 100 6-ounce cans at Boston and 25 cases each containing 100 6-ounce cans at New Bedford, Mass., alleging that the articles had been shipped by the Hollister Canning Co. from Hollister and Oakland, Calif., within the period from on or about February 21 to on or about March 30, 1941; and charging that the tomato sauce and portions of the tomato paste were adulterated and that portions of the tomato paste were also misbranded. They were labeled in part: "San Benito Brand Naples Style Tomato Paste"; and "Hollister Brand \* \* \* Spanish Style Tomato Sauce."

The tomato paste, with the exception of one portion (199 cases) of that seized at Providence, and the tomato sauce were alleged to be adulterated in that they consisted in whole or in part of filthy substances.

Portions of the tomato paste were alleged to be misbranded for the reasons appearing above.

Between April 26 and July 8, 1941, no claimant having appeared for any of the products, judgments of condemnation were entered and the tomato sauce and the tomato paste, with the exception of the portion seized at Providence that was not adulterated, were ordered destroyed. On June 13, 1941, the unadulterated portion of the tomato paste was ordered distributed to local charitable agencies.

#### OTHER FRUIT AND VEGETABLE PRODUCTS

**2938. Adulteration and misbranding of preserves. U. S. v. 20 Cases of Preserves. Default decree of condemnation and destruction.** (F. D. C. No. 5112. Sample No. 53904-E.)

Examination showed that this product was deficient in fruit, and the soluble solids content was less than 68 percent.

On July 21, 1941, the United States attorney for the District of Arizona filed a libel against 20 cases, each containing 12 2-pound jars of strawberry preserves at Kingman, Ariz., alleging that the article had been shipped in interstate commerce on or about April 18, 1941, by Golden West Products Co. from Los Angeles, Calif.; and charging that it was adulterated and misbranded. It was labeled in part: "Bonnie Brae Brand Pure Strawberry Preserves."

The article was alleged to be adulterated in that an imitation strawberry preserve, deficient in fruit and soluble solids, had been substituted wholly or in part for strawberry preserves.

It was alleged to be misbranded (1) in that the name "Pure Strawberry Preserves" was false and misleading as applied to an article that was deficient